

Development Management Delegated Decision Report

B/21/0379



SUMMARY OF APPLICATION

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Application Reference	B/21/0379		
Application Type	Full Planning Permission		
Proposal	Division of existing residential dwelling to form an additional residential dwelling (Class C3)		
Location	1, Grand Sluice Lane, Boston PE21 9HL		
Applicant	Mr John Lay		
Agent	Mr David Bates, Domus Design Associates		
Received Date:	16-Aug-2021	Consultation Expiry Date:	08-Sep-2021
Valid Date:	16-Aug-2021	Statutory Expiry Date:	11-Oct-2021
Date of Site Visit:	01/10/2021	Extension of Time Date:	---
Objections received?	No		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Refuse		
Report by:	Consultant Planning Officer		
Date:	07/10/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a two storey red brick, slate roofed end of terrace dwelling which has been extended to the rear with an extension with accommodation in the roofspace. The name calved into the stone brick at the front dates Elm Terrace as being built in 1883.

To the south is a detached dwelling, to the north are a row of semi-detached and terraced properties. To the east are the rear gardens of properties that front onto Horncastle Road, with garages and outbuildings being located along the eastern side of Grand Sluice Lane, serving these neighbouring properties. To the north along Grand Sluice Lane is the imposing red brick tower. To the west is Boston Trade Park, where there are a range of commercial premises located.

A range of close boarded fences, tall conifer tree and neighbouring brick outbuildings bound the rear of the site to the north and south. The site is open to the access road that runs alongside Boston Trade Park to the west.

Site photographs are provided below.





DETAILS OF PROPOSAL:

An application for a rear extension was granted in 2011 under application B/11/0283. Whilst the footprint appears to potentially be in accordance with the approved permission, height to eaves level, the fenestration, internal layout and connectivity to the main dwelling do not appear to have been completed in accordance with the approved plans.

In addition, rather than constructing the approved dormer windows, rooflights were installed in their place on the raised roof plane. The existing plans show that the dwelling is separate internally from the extension. It is proposed to utilise the extension as a separate dwelling, independent of the host dwelling.

RELEVANT HISTORY:

B/11/0283 - Construction of two storey extension – Approved 7th November 2011.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 30: Pollution
- Policy 36: Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places

CONSULTATION RESPONSES:

Environmental Health (25th August 2021): Environmental health has no objections to the above application.

Lincolnshire County Council Highways Authority & Lead Local Flood Authority (25th August 2021): Does not wish to restrict the grant of permission. The occupation of this property by two separate households is not expected, in this part of the town, to have an unacceptable impact upon highway safety and therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and does not wish to object to this planning application.

Witham Fourth Internal Drainage Board (31st August 2021): No comments.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

Having reviewed the submitted amended plans and relevant policies it is considered that the key material planning considerations in this case are:

- Principle of development
- Impact on the character and appearance of the area
- Residential amenity
- Highway safety & parking
- Flood risk

Principle of development

Paragraph 2 and 47 of the NPPF confirm that ‘planning law requires that planning applications for planning permission need to be determined in accordance with the development plan, unless material considerations indicate otherwise’.

The South East Lincolnshire Local Plan (SELLP) forms the development plan for the local area and being adopted in 2019 is recently adopted.

Policy 1 of the SELLP sets out the spatial strategy, directing development to the most sustainable areas across the Boston and South Holland administrative areas. The application site is located within the settlement boundary of Boston as identified on Inset Plan 1 which is identified as a Sub-Regional Centre.

Under this category of the settlement hierarchy the policy states the following:

'Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as a Sub-Regional Centres.'

The proposal is for a single dwelling within the settlement boundary. The proposal for a dwelling in this location is therefore considered acceptable in principle under Policy 1 of the SELLP. This is however subject to other material planning considerations set out below.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Paragraph 126 of the NPPF states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve' and that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

The proposal relates to an existing dwelling extension that has been constructed for some time. It is therefore accepted in the limited public views of the site. In terms of the physical character and appearance of the area, the extension is an accepted and is viewed as an extension to the existing property.

However the extension does not present itself as a separate dwelling in its positioning or character and appearance. The introduction of additional dwellings to the rear of existing properties (and attached) is not a feature or characteristic of this area. The properties along Grand Sluice Lane all front onto the road, with the rear garden spaces and outbuildings located to the west, adjacent to the access road that runs alongside Boston Trade Park. I could not see any other dwellings tacked onto the rear of existing properties when viewing the rear of the properties from the access road.

Therefore the relationship of the proposed dwelling with the existing dwelling and the resultant intensification of the site is not characteristic of the area and would be an unacceptable form of backland development.

Residential amenity

Paragraph 130 f) of the NPPF confirms that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

SELLP Policy 2 and 3 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

In addition, Policy 30 of the SELLP states development will not be permitted where there would be unacceptable impacts on the amenity of the area, health and safety of the public and the natural, historic and built environment.

The proposed dwelling has been designed as an extension to the existing property and not as an independent dwelling. Therefore, there are very limited outlooks from the proposed dwelling. The single window at ground floor facing south looks directly at the boundary treatment, with very limited separation. The single window at ground floor in the western elevation, does have better outlooks over the garden to the rear. These two windows would provide light to the open living space at ground floor level.

At first floor level, there are limited outlooks and also limited areas of usable space when standing. This is due to the use of rooflights rather than the dormer windows approved under planning application B/11/0283. The height to the top of the roof from the top of the ground floor window is so limited on the submitted plans, even at the furthest point, that any accommodation would be very cramped and would provide very little, if any space that can be used comfortably. The eaves height on the submitted plan measures 2.6m above ground level and the ridge height measures 4.96m.

However I do not believe the plans adequately reflect what has been built, the window shown in the western elevation to serve the ground floor appears on the plans to have hardly any space above it. This is not what is present on site. It is clear there is more internal space above the ground floor window.

The external space would be calved up to provide external amenity space for both the existing and proposed dwellings. That proposed outdoor space for the new dwelling would be well connected to the proposed dwelling, but the garden area to number 1 Grand Sluice Lane would be separate from the dwelling that it serves and the occupier would have to pass the new dwelling through a tightly enclosed alleyway to reach their private amenity space. The proposed 2m high fences used to segregate the outside space would further impact on the outlooks from the very limited ground floor windows of the proposed dwelling.

For these reasons it is not considered that the level of amenity provided for the occupiers of the proposed dwelling would be sufficient enough to comply with the requirements of paragraph 130 f) of the NPPF or Policy 2 of the Local Plan. It is also considered that there would be a detrimental impact on the level of residential amenity currently enjoyed by the occupiers of the existing dwelling.

Given that the principle of providing an additional dwelling attached and to the rear of an existing dwelling where this is not characteristic of the area is not considered acceptable or in accordance with Policies 2 or 3 of the Local Plan, and due to the fact I could view the extension as constructed on site, no further clarification or plan revisions were sought on the

application.

Highway safety & parking

Policy 36 and Appendix 6 of the SELLP relate to vehicle and cycle parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot. From reviewing the plans, one parking space is proposed for each dwelling and cycle parking is also provided. Given the proximity to the town centre, this level of provision is considered acceptable.

It is considered the vehicle movements that would be generated from this small scale proposal would not negatively impact highway safety. The Highways Authority have been consulted and have raised no objection to the proposals.

The proposal is, therefore, acceptable in terms of highway safety and parking and is considered to comply with the requirements of Policy 36 of the SELLP.

Flood Risk

SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications.

Developments within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

The site is located in flood zone 3 and as such a flood risk assessment has been submitted to accompany the application. The caravan is sited in a 'Danger for Most' hazard rating with a predicted flood depth of between 0.5 metre to 1 metre. To overcome the risk of flooding the finished floor level must be set at 1 metre above ground level with flood resilient construction 300 mm above the predicted flood level.

The Flood Risk Assessment (FRA) submitted is very brief and provides little detail. However it is purported that the finished floor level is to be 100 mm above ground level and that electrical supply will be positioned 500 mm above the finished floor level.

Whilst it is noted both bedrooms are shown as being at first floor level this space is particularly constrained. It is acknowledged no ground floor sleeping accommodation however, the proposed development would therefore result in a high unacceptable risk to the occupants and fails to overcome the flooding risks on the site. In the absence of a Flood Risk Assessment which demonstrates that the impacts of flood risk can be managed appropriately, there is no option but to refuse the development on Flood Risk grounds.

It is therefore considered the conversion is unacceptable in this respect.

CONCLUSION:

The conversion of the existing dwelling extension to an independent dwelling would be contrary to the requirements of Policy 2 and 3 of the South East Lincolnshire Local Plan and

chapter 12 of the NPPF which aims to achieve well-designed places. The proposal would be out of character with the established layout of the built form in the locality and would not provide sufficient levels of residential amenity to occupiers of the proposed or existing dwellings.

RECOMMENDATION:

Refuse

CONDITIONS / REASONS	
Pre-commencement conditions?	N/A Agreed with applicant/agent - Date: N/A
1	The proposal, by virtue of its position located to the rear and attached to an existing dwelling would result in a poor quality form of development which would be contrary to the established layout, character and appearance of the area. The development is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 126 of the NPPF which confirms that good design is a key aspect of sustainable development.
2	By reason of the proximity to the southern boundary and the lack of outlooks from internal space along with issues regarding usability of the first floor accommodation, occupiers of the proposed new dwelling would not have sufficient levels of amenity. The impact on the occupiers of the existing dwelling would also suffer from detrimental impacts on the level of amenity currently enjoyed due to the proposed segregation of the garden area. The proposal is therefore contrary to policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 f) of the NPPF which requires a high standard of amenity for existing and future users.
3	The application site is located within a flood risk area. Policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework requires development in such areas to demonstrate that they would be acceptable in relation to flood risk. The Flood Risk Assessment fails to suggest appropriate mitigation and as such, fails to demonstrate how the proposal will be safe from flooding through appropriate flood resilient construction. The current finished floor levels would not comply with the Environment Agency's standing advice and as such, would not make the development safe from flooding for its lifetime. The proposed development would not be safe and acceptable on flood risk grounds and, therefore, fails to accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework (2021).

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the

Borough.